

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

UNITED STATES OF AMERICA :  
 :  
v. : Criminal Action No.  
 : 3:21-CR-0004-TCB-RGV  
ROBERT PURBECK :

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL  
MOTIONS AND TO SCHEDULE PRETRIAL CONFERENCE**

Defendant Robert Purbeck hereby respectfully requests an extension of time in which to file any pretrial motions until Monday, December 13, 2021, which represents just over a 60-day extension of time from the current deadline of October 12, 2021 (the 60<sup>th</sup> day falling on Saturday, December 11<sup>th</sup>, and December 13<sup>th</sup> being the following Monday) and for the Court to hold the initial pretrial conference thereafter. The government is agreeable with and has no objection to this requested extension of time.

The requested extension of time is needed to continue the defense's review of the discovery produced thus far, including but not limited to allowing the defense's forensic computer expert to complete his review of the 20+ imaged computer/storage devices that the Federal Bureau of Investigation has provided to the defense. Mr. Purbeck

further requests and consents to the Court excluding the period of any extension that is granted from the Speedy Trial Act.

In further support of this motion, Mr. Purbeck respectfully submits as follows.

1. Discovery is voluminous in this case. In addition to the usual sort of documentary-type discovery that the government has produced (which runs into the tens of thousands of pages), the government seized over fifty (50) computers and hard-drives, among other items. Of those computers/hard-drives, the government has kept approximately twenty-five (25) for potential use in this case and returned twenty-eight (28) to Mr. Purbeck.

2. Defense counsel has been to the F.B.I.'s Atlanta office to inspect in person the large number of computers, external computer storage devices (e.g., hard-drives, thumb drives, etc.), and other materials seized by the government. While at the F.B.I., counsel retrieved twenty-eight (28) computers and external computer storage devices that the government was not going to use. Counsel also took photos, and examined the external features, of approximately twenty-five (25) computers/storage devices that the government

retained for use as evidence. During that same visit, the F.B.I. also provided defense counsel with a 4TB internal hard drive containing forensic scans of approximately twelve (12) of those computers/storage devices that the government was keeping.

The FBI also advised that additional internal hard-drives were needed to image other devices that the government was keeping in its possession. Defense counsel purchased those hard-drives and provided them to the F.B.I, who subsequently returned to defense counsel another 4TB internal hard-drive, containing images of approximately eleven (11) computers and computer storage devices, along with a DVD containing other images from one or more additional computer(s)/storage device(s).

3. A forensic computer expert is needed to review the images of these 20+ computers/storage devices. On September 1, 2021 the Court approved CJA-funding for the defense to retain a forensic computer expert. That same week, defense counsel sent both of the 4TB internal hard-drives and the DVD to its expert (defense counsel sent the first 4TB hard-drive to the defense expert on September 2<sup>nd</sup> and the second 4TB hard-drive, along with the DVD, on September 7, 2021). The

defense expert's review of the images is ongoing and not yet completed.

4. Mr. Purbeck lives in Idaho. There is a protective order in this case, which prevents counsel from giving certain portions of the discovery to Defendant, including but not limited to the images of the hard-drives and storage devices that the expert is reviewing, many of which are Mr. Purbeck's computers seized by the F.B.I. While counsel has provided Mr. Purbeck copies of the discovery that he is allowed to share, the portions that must be reviewed together require counsel to schedule sessions during which he and Mr. Purbeck can review discovery simultaneously.

5. Mr. Purbeck is requesting additional time so that the defense computer expert can complete his review of the imaged devices and provide the necessary information to defense counsel, who in turn will review these materials with Mr. Purbeck consistent with the requirements of the protective order. The information from the images of the computers/storage devices, along with the information being gathered from the other voluminous discovery items that defense counsel and Mr. Purbeck are continuing to review, is needed so that defense counsel and Mr. Purbeck can decide

what motions and/or defenses may exist in this case, as well as determining how best to proceed in this case. The defense needs the requested additional time to review the imaged computers/storage devices and to complete its review of the other discovery.

6. Defense counsel has discussed with the government the defense's need for additional time to examine and review the materials produced in discovery. The government is agreeable with, and has no opposition to, Mr. Purbeck's request for an extension through December 13, 2021. Given the volume of discovery that requires review, including but not limited to review of the computer images that have been provided to the defense computer forensic expert, Mr. Purbeck respectfully requests that the Court extend the time for filing pretrial motions through December 13, 2021 and for the Court to hold a pretrial conference thereafter.

7. Mr. Purbeck hereby consents to the exclusion under the Speedy Trial Act of the time that the Court grants for the requested extension. He further respectfully submits that such additional time is necessary for the effective preparation of his defense in this case.

WHEREFORE, for the reasons stated above, Defendant Robert Purbeck requests that the Court grant this motion and the requested extension of time.

Respectfully submitted, this 6<sup>th</sup> day of October, 2021.

/s/ Andrew C. Hall

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*Counsel for Defendant Robert Purbeck*

CERTIFICATE OF COMPLIANCE WITH TYPE AND FONT  
AND CERTIFICATE OF SERVICE

I hereby certify that this motion has been prepared in Courier New font (13 pt.) and consistent with the Local Rules of this Court.

I further hereby certify that I have this date caused a true and correct copy of the foregoing UNOPPOSED MOTION FOR EXTENSION OF THE TIME TO FILE PRETRIAL MOTIONS AND TO SCHEDULE PRETRIAL CONFERENCE to be served by filing it with the Clerk of Court using the ECF System that will send notification of such filing to:

Assistant United States Attorney Michael Herskowitz and Nathan Kitchens

This the 6<sup>th</sup> day of October, 2021.

/s/ Andrew C. Hall  
Andrew C. Hall